

DEC-19-2006 10:50

HP BOISE LEGAL

RECEIVED  
CENTRAL FAX CENTER 208 396 3958 P.01/08

DEC 19 2006

URGENT

FAX COVER SHEET

Date: December 19, 2006

Hewlett-Packard Co.  
Legal Department  
11311 Chinden Blvd.  
Boise, Idaho 83714

Number of fax pages INCLUDING cover sheet: 8

FROM: Chris Guthrie  
Phone: (208) 396-4772  
Fax no. (208) 396-3958

TO: Examiner Thomas Lett  
USPTO  
Art Unit: 2825  
Fax: (571) 273-8300

RE: Office Action dated 12/08/2006  
Application No. 09/943917  
Attorney docket no. 10006387-1

While the office action is titled as our docket no. 10006387-1, the body of the office action is not related to 10006387-1. We believe that somehow your rejection for some other case was misidentified under 10006387-1.

We filed an Appeal on Sep. 22, 2006 in 10006387-1 (09/943,917). This action indicates that only claims 29-30 are pending, but claims 1-14 and 21-28 are on Appeal. The claim language recited in the office action for claims 29-30 is completely different from the language recited for claims 29-30 in 10006387-1.

Please call me to discuss.

Thank you,

Chris Guthrie for Matthew L. Wade  
Legal Administrator  
Intellectual Property Section  
HP - Boise, Idaho  
Phone: 208.396.4772

Attachment: Office Action dated 12/08/2006

RECEIVED  
CENTRAL FAX CENTER

DEC-19-2006 10:50

HP BOISE LEGAL

208 396 3958 P.02/08

DEC 19 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Adm'r COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,917 ✓	08/31/2001 ✓	Donald H. Abel ✓	10006387-1 ✓	2216 ✓

7500 12/08/2006

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
LGTJ, THOMAS J

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 12/08/2006 ✓

Please find below and/or attached an Office communication concerning this application or proceeding.

DEC 19 2006

**Office Action Summary**

Application No.	Applicant(s)	
09/943,917 ✓	ABEL ET AL.	
Examiner	Art Unit	
Thomas J. Lett	2825	

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS,  
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 25 September 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 29 and 30 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 29 and 30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 December 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

Application/Control Number: 09/943,917  
Art Unit: 2625

Page 2

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. The prior art of Lobiondo (USPN 5,287,194 A) discloses subject matter similar to that of amended claim 29.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 29 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The "determining in real-time the availability of the at least one candidate printer"; "determining in real-time whether the user's print job can be completed in the expected print time"; and "a real-time countdown" as to when the print job can be completed by the selected printer are not clearly disclosed in the specification. Applicant is asked to show Examiner support for the claimed elements and in particular the underlined matter.

### *Claim Rejections - 35 USC § 102*

Application/Control Number: 09/943,917  
Art Unit: 2625

Page 3

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Lobiondo (USPN 5,287,194 A).

With respect to claim 29, Lobiondo discloses a printing method comprising: receiving via a network (network and communication link 20, col. 3, lines 23-27) a print command (desire to print (i.e., complete) a print job, col. 3, lines 51-56) and user parameters (print job criteria, col. 3, lines 51-56) that are to be used to select a printer (from plurality of printers 10, col. 3, lines 18-23), the print command and user parameters having been provided using a network browser (workstation 30, col. 3, lines 32-36), the user parameters including a printer location parameter (location criteria, col. 5, lines 34-37)) and an expected print time parameter (desired completion time, col. 5, line 29) that reflects the time in which a printer is expected to complete the user's print job;

searching a plurality printers for a printer that satisfies the received user parameters (performed by scheduler 50, col. 3, lines 41-50);

identifying at least one candidate printer that satisfies the received user parameters (col. 4, lines 50-54);

Application/Control Number: 09/943,917  
Art Unit: 2625

Page 4

determining in real-time the availability of the at least one candidate printer (see col. 4, lines 22-29 which explains that conventional systems that use humans to manage printer scheduling cannot perform real-time scheduling as thoroughly as the invention of Lobiondo);

determining in real-time whether the user's print job can be completed in the expected print time (see col. 4, lines 22-29 which explains that conventional systems that use humans to manage printer scheduling cannot perform real-time scheduling as thoroughly as the invention of Lobiondo);

selecting a printer from the at least one candidate printer (col. 4, lines 50-54);  
and

providing information as to the status of the selected printer (col. 4, lines 50-52) and a real-time countdown (see col. 4, lines 22-29 which explains that conventional systems that use humans to manage printer scheduling cannot perform real-time scheduling as thoroughly as the invention of Lobiondo) as to when the print job can be completed by the selected printer (col. 4, lines 30-34);

determining if the user would like to use the selected printer (based on user entered criteria, col. 3, lines 56-63); and

if the user would like to use the selected printer, forwarding the print command to the selected printer to enable the selected printer to print a document for the user (col. 4, lines 50-54).

With respect to claim 30, Lobiondo discloses a method of claim 29, wherein the selected printer is the physically closest printer to the user (col. 2, lines 46-47).

Application/Control Number: 09/943,917  
Art Unit: 2625

Page 5

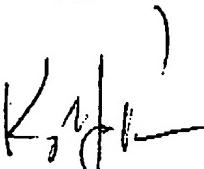
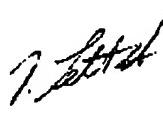
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is (571) 272-7464. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas Lett  
Art Unit 2625



KING Y. POON  
PRIMARY EXAMINER

DEC-19-2006 10:51

HP BOISE LEGAL

RECEIVED  
CENTRAL FAX CENTER 208 396 3958 P.08/08

DEC 19 2006

<b>Notice of References Cited</b>		Application/Control No. 09/943,917	Applicant(s)/Patent Under Reexamination ABEL ET AL	
Examiner Thomas J. Lett		Art Unit 2625	Page 1 of 1	

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,287,194 A	02-1994	Lobiondo, Martin F.	358/298
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.06(a).)  
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office  
PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 20061124